

CITY OF TRINIDAD OWTS ORDINANCE

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APPENDIX A: DEFINITIONS

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ARTICLE 1 – GENERAL PROVISIONS

Section 1:01 – Purpose

The Trinidad City Council hereby finds the following:

On-site Wastewater Treatment Systems (OWTS) or septic systems are prone to failure with age, out-moded design, overuse or improper installation, repair and maintenance; many of the OWTS within the City of Trinidad are old and not to current standards.

OWTS failure poses a risk to public health, safety and welfare and a potential contamination source to the surface waters, groundwater and the ocean waters within or adjacent to the City of Trinidad.

A centralized sewer system is undesirable for Trinidad because of growth-inducing impacts and unfeasible due to the high costs of land, construction and maintenance.

OWTS are a cost-effective and long term option for meeting public health and water quality goals and standards as long as they are adequately managed.

The purpose of this ordinance is to assure all OWTS in Trinidad are properly operated, regularly inspected, routinely maintained and monitored to prevent poorly functioning or failed systems and to establish a basis for an OWTS Management Program that will supplement this ordinance with specific policies and implementation measures consistent with the purposes of this ordinance.

Section 1:02 – Jurisdiction

This chapter/ordinance shall apply to all territory embraced within the incorporated limits of the City of Trinidad, County of Humboldt, State of California.

Section 1:03 – Authority (to be added)

Section 1:04 –Liability

This chapter shall not be construed as imposing upon the City any liability or responsibility for damage resulting from the defective installation, repair, inspection or maintenance of any sewage disposal system or part thereof as herein provided, nor shall the city or any official, employee or city-designated contractor thereof be held as assuming any such liability or responsibility by reason of the inspections or work authorized herein.

Section 1:05 – Interpretation / Construction

Unless the context otherwise requires, the definitions set forth in Appendix A of this ordinance, as may be amended from time to time, shall be used in the interpretation and construction of this chapter. Words used in the present tense include the past and future. The singular number shall include the plural, and the plural shall include the singular. The word “shall” is mandatory. Words that are defined in Appendix A are italicized herein.

Section 1:06 – Adequate Sewage Disposal Required

Every person owning any building designed or used for human occupation, including residential, commercial and public buildings, shall be required to provide and maintain a properly functioning OWTS. An OWTS shall provide for the disposal of sewage in a manner that does not create a public health hazard and does not degrade surface or groundwater quality. All OWTS, both existing and new, and all parts thereof, shall be maintained in a safe and sanitary condition at all times. The owner shall be responsible for the maintenance of such systems. Where permitted, an OWTS shall be provided for each building designed for human occupation, except that a group of

legally established, detached buildings, occupying land under one or more ownerships and having a legally shared area in common, may be serviced by a single individual sewage disposal system designed to meet those collective needs.

Section 1:07 – Permits Required

It is unlawful for any person to connect to, construct, repair, replace, reconstruct, maintain, or use any OWTS in this jurisdiction except as provided for in this ordinance and unless an applicable sewage disposal permit from the Health Officer and / or operating permit from the OWTS Administrator is obtained.

Section 1:08 – Permit Fees / Program Financing

The City Council, in a manner prescribed by law, may by resolution establish and alter fees, deposits and / or charges for receiving applications, holding hearings thereon, reviewing plans and specifications, reviewing inspection reports,, monitoring OWTS and water quality and issuing permits, and for performing any other service for maintaining and administering the OWTS Management Program established pursuant to this ordinance. Said fees shall be sufficient to offset the cost of implementing the Trinidad OWTS Program, including monitoring. Operating Permit(s) shall not be valid unless such fees have been paid.

Section 1:09 – Health Officer

The position of Trinidad Health Officer is hereby established to enforce the Trinidad Sewage Disposal Regulations. This is the technical position of the Trinidad OWTS Program. The Health Officer shall be responsible for establishing regulations (§1:12), enforcing regulations, for advising the OWTS Administrator (§1:11) on technical issues and those relating to public and environmental health and safety, and to ensure that all installations, repairs, modifications and other activities related to OWTS are in compliance with State Law, the North Coast Basin Plan and this Ordinance.

Section 1:10 – Program Administration / OWTS Administrator

The position of OWTS Administrator is hereby established to enforce the provisions of this ordinance. The City OWTS Administrator shall be responsible for coordinating activities between the City, the Health Officer, the Qualified Service Provider, and the property owner, for keeping a list of verified Qualified Service Providers, for receiving and reviewing permit applications, OWTS Owner/User's Questionnaires and inspection reports, for upkeep of the database, for issuing operating permits and for assuring provisions of this ordinance are being met or taking the necessary steps to assure the purposes of this ordinance are being met.

Section 1:11 – Sewage Disposal Regulations

The Health Officer shall issue such regulations as deemed necessary to carry out the provisions of this chapter. The Sewage Disposal Regulations issued by the Health Officer under this section shall become effective when adopted by resolution of the City Council and shall be incorporated into this ordinance as Appendix C. Regulations issued under this section may be amended from time to time by the Health Officer after resolution by the City Council.

Section 1:12 – OWTS Guidelines

This ordinance shall be supplemented with guidelines to aid in the interpretation and implementation of the ordinance and to allow for adaptive management of the OWTS Program. The Guidelines shall become effective when adopted by resolution of the Planning Commission and shall be made a part of this ordinance as Appendix B. Guidelines issued pursuant to this section may be amended from time to time as needed by staff after Planning Commission approval to provide clarification to these ordinance provisions.

ARTICLE 2 – SPECIFIC PROVISIONS**Section 2:01 – Leachfield Protection During Construction**

Construction related activities for development are to occur in a manner that does not impact the integrity of the primary or reserve sewage disposal areas.

Section 2:02 – Reserve Area Required

All new and modified OWTS and repairs shall be required to receive approval from the Health Officer for a suitable 100% reserve leachfield area unless an exception is granted by the Health Officer. As part of any application for Design Review, Coastal Development Permit or any other discretionary permit, the applicant may be required to receive approval for a suitable 100% reserve area at the discretion of the Health Officer. Parcels with less than 100% reserve area shall be regulated as Nonstandard Systems.

Section 2:03 – Effluent Filters/Risers

All new OWTS shall be required to install risers at grade at all access points and an effluent filter as part of the construction. All existing OWTS shall be required to be equipped with risers at all access points and an effluent filter prior to, or at the time of, the first scheduled performance inspection (Article 4) as dictated by the OWTS Operating Permit. The OWTS Administrator or Health Officer can issue exceptions for existing systems in cases where risers would be inappropriate, or infeasible as long as the OWTS is reasonably accessible.

Section 2:04 – Roof Drainage away from OWTS

All roof drainage downspouts on buildings shall be directed in such a manner that runoff does not negatively impact the function of any OWTS.

Section 2:05 – Landscaping

Landscaping shall not be allowed to interfere with OWTS components, including the tank and leachfield area. If vegetation is found to be interfering with the performance of any OWTS component(s), the OWTS Administrator or Health Officer may order such vegetation to be removed from the area of concern.

Section 2:06 – Deed Restrictions

As part of the approval of any coastal development permit for development that affects the OWTS as determined by the OWTS Administrator, the property owner(s) shall be required to record a statement on the deed, in a form approved by the City Attorney, indicating that any increase in the number of units or bedrooms above that approved by the City, or in excess of the design capacity of the OWTS, will require City approval of adequate sewage disposal capabilities. Deed restrictions should be revised to reflect any system modifications.

Section 2:07 – Subdivisions

Prior to the approval of any subdivision or lot line adjustment, the applicant must apply for and obtain approval from the Health Officer for the design of an OWTS for each lot adequate for the use for which the property is designated.

ARTICLE 3 – SEWAGE DISPOSAL PERMITS**Section 3:01 – General**

No person shall construct, reconstruct, or undertake any repair, addition, or modification of any OWTS or any portion thereof on any property within the City Limits without having first obtained a permit to do so from the Health Officer. This provision shall not apply to emergency work necessary due to the immediate failure of an

existing system, when it shall be proved to the satisfaction of the Health Officer that such work is urgently necessary and that it is not practical to obtain a permit before commencement of the work. In all such cases, prior approval shall be obtained from the Health Officer or OWTS Administrator, and an application for permit must be submitted within three business days after commencement of the work. Minor maintenance, as defined in Appendix A, may be made without permit.

Section 3:02 – Application Process

Each application for a permit to construct or repair an OWTS shall be made on a form provided and / or approved by the Health Officer and accompanied by the appropriate fee as set forth by the City Council per §1:08. The application shall not be considered complete until all the information requested by the Health Officer has been submitted. The Health Officer may require changes to the proposed design of a system in order to conform to applicable regulations. The Health Officer shall take action to approve or deny an application within 60 days of a complete application submittal. A written record of the Health Officer's decision shall be provided to the applicant. Appeals shall be in accordance with §8:10. A permit to construct or repair shall expire if work has not started within one year of permit approval and / or has not passed final inspection within two years of permit approval, unless an extension is granted by the Health Officer.

Section 3:03 – Licensing Requirements

All OWTS within the City Limits shall be designed by a qualified professional as deemed adequate by the Health Officer. All work done pursuant to a sewage disposal permit shall be done by or under the supervision of a person holding an appropriate license or other qualification, such as a contractor, pursuant to state law.

Section 3:04 – Design and Construction Standards

The siting, design and construction of new, and the repair and modification of existing OWTS, shall be in accordance with current standards of the Trinidad Sewage Disposal Regulations and criteria of the North Coast Regional Water Quality Control Board Basin Plan. Repairs and modifications that do not bring the entire OWTS up to current standards, but which increase conformance or improve performance, shall be allowed at the discretion of the Health Officer in accordance with the Trinidad Sewage Disposal Regulations, this ordinance, and the OWTS Program Guidelines.

Section 3:05 – Conformance and Final Inspections

In addition to any inspections performed by the designer, all work for which a construction/repair permit is required shall be subject to, at the minimum, a final inspection by the Health Officer or his representative in order to determine if such work conforms to the approved application, plans and specifications. Additional inspections during construction may be required at the discretion of the Health Officer. All such work shall remain accessible and exposed for inspection purposes until inspected and approved and it shall be the responsibility of the owner or authorized agent to assure that required inspections are obtained. Should such work not be accessible for inspection, neither the City nor its employees and officers shall be liable for the expense entailed in the removal or replacement of any material required to allow inspection. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or other laws, ordinances or regulations. In the event that the Health Officer determines that there has been an improper installation or repair or other work on an OWTS, a stop-work-order may be posted on the job site. Before any further work is done on the site, clearance from the Health Officer must be obtained.

ARTICLE 4 – PERFORMANCE INSPECTIONS

Section 4:01 – Initial Inspections for Existing Systems

All existing OWTS three years or older at the time this ordinance is adopted, and which have not had an inspection within the last three years, shall be subject to an initial on-site inspection, in a form approved by the Health Officer

and / or OWTS Administrator, by a Qualified Service Provider at the expense of the OWTS Owner/User. Initial inspections shall be conducted in the same manner as performance inspections.

Section 4:02 - Initial Inspection Schedule

Initial inspections for all OWTS over three years of age within City limits shall be completed by December 31, 2008. For existing systems less than three years of age, an initial inspection shall be required within 90 days, of the system becoming three years old (from the time of final inspection when installed), or December 31, 2008, whichever is later. For those systems that were inspected prior to the adoption of this ordinance under the City's 'early bird' special, initial inspections shall be completed within 3 years and 6 months after the date of the early bird inspection.

Section 4:03 – Inspection Forms and Database Development

A standard OWTS Inspection Report Form and OWTS Owner/User Questionnaire shall be developed by the OWTS Administrator and a record maintained by the City for each OWTS inspected. This form shall include information regarding the condition of the system and changes that have occurred since the last inspection and any other pertinent information. The property owner shall provide the OWTS Administrator and / or Qualified Service Provider, with any pertinent information that the property owner (or their septic pumper or installer) has regarding the use, age, location, maintenance history, design, etc of the OWTS as part of the OWTS Owner/User Questionnaire. The OWTS Inspection Report shall be completed by the Qualified Service Provider at the time of initial or performance inspection; the property owner shall be provided a copy of this report. Using inspection data and other available information, the City shall develop and maintain a database of all OWTS within the City limits.

Section 4:04 – Performance Inspections

Performance inspections shall be conducted by a Qualified Service Provider at the expense of the owner and in the same manner as the initial inspection to check the performance of the system relative to normal operating criteria, public health and water quality standards as outlined in this ordinance and the OWTS Guidelines (Appendix B) and in accordance with the OWTS Inspection Report Form. Such inspection shall be arranged by the owner with a qualified service provider, within thirty (30) days of the date stipulated in the operating permit (Article 5). If pumping is also required, these inspections shall be conducted prior to, or at the time of, pumping as determined by the maintenance schedule provided in the operating permit (Article 5). Results shall be provided to the City and to the owner. Results may be appealed in accordance with the appeal procedures of section 8:12 of this ordinance.

Section 4:05 – OWTS & Water Quality Monitoring Program

A water quality monitoring program shall be developed as part of the City's OWTS Management Program. The City shall maintain a Monitoring Program and Quality Assurance Project Plan (QAPP), and make it available to the public. Where an inspection indicates that an OWTS is not functioning properly or water quality sampling indicates that there may be a problem, sampling wells may be required to be installed by the property owner in and around an OWTS as part of the issuance and terms of an operating permit. If deemed necessary by the OWTS Administrator, water samples shall also be collected and analyzed as part of a performance inspection.

Section 4:06 – Performance Standards

During a performance inspection, the Qualified Service Provider shall determine whether the OWTS adversely affects the public health and environment or violates any other applicable rules or regulations. This evaluation shall be detailed enough to determine whether the OWTS structure and its operational status are in substantial conformance with the standards of this Ordinance, the City's OWTS Management Program Guidelines and the North Coast Regional Basin Plan and other applicable laws and regulations. OWTS repairs and modifications may be required if the OWTS Administrator or Health Officer determines that the OWTS is not functioning or performing in accordance with this ordinance and / or the City's overall OWTS Management Program or other applicable laws and regulations. Guidance for Performance Standards shall be provided in Appendix B – Guidelines.

Section 4:07 – Accessibility for Inspections

OWTS shall remain accessible at all times. The owner shall maintain the OWTS so that it is readily accessible for inspection and maintenance. The placement of structures, swimming pools, patios, driveways, or other impervious surfaces over the septic tank or leachfield is prohibited. Exceptions for unusual circumstances and existing systems may be considered by the Health Officer and / or OWTS Administrator.

ARTICLE 5 – OPERATING PERMITS**Section 5:01 – General**

Upon application and completion in conformance with this code and final inspection of work performed pursuant to a sewage disposal permit, or after initial / performance inspections of existing systems, all owners shall be required to apply for an operating permit. An operating permit shall be required in addition to any other permits required by City ordinances and / or State law. Operating Permits shall be issued to the owner of the property and / or the business owner. After December 31, 2008, or as specified in §4.02, it shall be illegal to use or operate any OWTS within the City without a valid operating permit from the City. Every operating permit shall indicate the design capacity of the system, maintenance requirements and any other conditions of use (see §5:04). A copy of said operating permit, with conditions, shall be sent to the property owner and shall be kept on file with the City. In cases where an initial / performance inspection indicates a system operating at less than a satisfactory capacity, a limited operating permit may be issued.

Section 5:02 – Application Process

Every person owning any building designed or used for human occupation existing on the effective date of this ordinance, including residential, commercial and public buildings, or their authorized representative, shall be required to apply for an Operating Permit through the City Clerk's office prior to after final inspection of a sewage disposal permit or after an initial / performance inspections .

Section 5:03 – Permit Transfer

In the event of the sale of the property or change in business occupancy, an Operating Permit Transfer shall be applied for by the new owner / occupant within 60 days of the finalization of the sale of the property or occupancy of business. An administrative fee, as set by resolution of the City Council, may be charged to offset the costs to the City for transferring permits.

Section 5:04 – Permit Conditions

Maintenance schedules and requirements (Article 6) shall be stipulated in the operating permit. An operating permit shall be conditioned upon the proper maintenance and pumping of, and the continued proper operation of the OWTS as designed, constructed and conditioned as stated in the operating permit, upon payment of periodic permit fees, upon periodic inspections of said OWTS, upon continuation of the use for which the system was designed or capable of and upon continued performance as indicated by subsequent performance inspections, the City's water quality monitoring program. The Permit holder shall show proof of the required maintenance as stipulated in the Permit in order to renew said Permit. Operating Permit conditions may be appealed in accordance with §8:13.

Section 5:05 – Permit Renewal

Operating permits shall be renewed every three years, or as specified in the permit based on the specific condition of and maintenance requirements of the system, but in no case shall an operating permit be issued for more than five years. Operating permits are to be renewed after a performance inspection by a qualified service provider at an interval as specified in the operating permit and maintenance schedule (Article 6). The process for renewing operating permits shall be the same as for the original application as set forth in §5:02.

ARTICLE 6 – MAINTENANCE**Section 6:01 – Maintenance Requirements**

All OWTS within City limits shall be required to be adequately maintained based on the type and amount of use and the design of the system as part of the conditions of an operating permit. Required maintenance shall include, at a minimum, regular inspections (Article 4) and pumping of solids at intervals not to exceed 5 years. Depending on the type of system, other maintenance may include, but is not limited to, switching the distribution to the leachfield and flushing of effluent filters. Following each inspection of an OWTS by the qualified service provider, the OWTS Administrator will be given a copy of the Inspection Report Form and OWTS Owner/User's Questionnaire indicating the condition of and the recommended maintenance requirements for that particular system.

Section 6:02 – Maintenance Schedule

The Health Officer and / or OWTS Administrator shall determine the maximum allowable period for the maintenance and pumping requirements for each system. The basis for maintenance schedules shall be detailed in the OWTS Guidelines (Appendix B) and shall consider things such as, but not limited to, the size and design of the tank, number of bedrooms, number of people living in the house, age of system, proximity to streams and other sensitive resources, amount of water use, and the results of performance inspections. When it is time for a system to be reinspected, the system's owner will be notified by the OWTS Administrator of the need to do so. Once inspected, a completed inspection form by a qualified service provider must be presented to the OWTS Administrator by the homeowner or business owner. The resulting maintenance schedule as determined by the OWTS Administrator shall supersede any pre-existing City maintenance schedule that may be in effect.

Section 6:03 – Changes in Inspection or Maintenance Schedule

The OWTS Administrator, with due cause and upon written notification to the landowner, may change the inspection and/or maintenance requirements and schedule of an OWTS, where such a change is deemed necessary for the proper functioning of the OWTS. This may occur due to circumstances such as changes in household occupancy, seasonal use, rental status, water consumption, system functioning, site characteristics or other significant elements of the inspection report.

Likewise, the OWTS Owner/User may petition the OWTS Administrator to alter the inspection and/or maintenance schedule. The owner must demonstrate, through the use of appropriate site data and household information, that such a change in the requirements would still ensure the proper operation of the OWTS and fulfill the intent of this ordinance. Information to be used by a OWTS Owner/User in the petition may include OWTS inspection records, technological modifications and site data such as soils, water table, household information, seasonal use, water use, etc.

ARTICLE 7 – NONSTANDARD SYSTEMS / SPECIAL CIRCUMSTANCES / MODIFICATIONS OR REPAIRS REQUIRED**Section 7:01 – Transfer of Property**

Upon transfer or sale of property within the City of Trinidad, the OWTS for that property shall be assessed for its compliance with current standards of the Trinidad Sewage Disposal Regulations and this ordinance. If the OWTS is determined to be nonconforming system, or if it was determined to be functioning at a less than Satisfactory level at the time of the most recent inspection, then upgrades to current standards may be required prior to a full operating permit being issued for the new owner in accordance with §7.06. Exceptions may be made by the OWTS Administrator or Health Officer for special circumstances such as if the lot is too small to accommodate a conventional system. Local Realtors and Real Estate Agents shall be notified of this provision upon securing a business license in the City of Trinidad.

Section 7:02 – Building Alterations / Development

Whenever any person submits an application to the City for a Coastal Development Permit or a Building Permit for the purpose of making any alterations to, or enlargement of, any structure which meets the definition of "Development" as set forth in Appendix A, said applicant must demonstrate that the existing OWTS meets the requirements set forth in the Trinidad OWTS Program. Determination of whether or not an OWTS substantially complies with this code is within the joint discretion of the OWTS Administrator and the Health Officer, with the Health Officer having final say in case of a disagreement.

Section 7:03 – Nonstandard OWTS

- A. Operating Permits for Nonstandard Systems. Nonstandard systems include alternative systems, nonconforming systems, haulaway systems and failed systems. The Health Officer or OWTS Administrator may approve the use of nonstandard system designs which are not in conformance with the standard system requirements specified in this Chapter and / or the Trinidad Sewage Disposal Regulations, provided measures are taken to maintain the proper function of such systems as specified in Subsection E.
- B. Failing Systems. The Health Officer may allow the continued use of an existing system which has been determined to be failing, if, due to extreme circumstances, that system cannot be upgraded to meet the standards specified in this Ordinance or the Trinidad Sewage Disposal Regulations, and the owner/agent takes measures which will ensure the minimum proper function of such system as specified in Subsection E and Article 8 of this Ordinance.
- C. Nonconforming systems. Those systems which were legally established, but which do not conform to current standards shall be regulated as nonstandard systems, except those systems with only minor nonconformance that does not affect the functioning of the system, such as not meeting setbacks.
- D. Alternative Systems. All existing alternative systems, or those serving new or expanded development as provided for in the Trinidad Sewage Disposal Regulations shall be considered Nonstandard Systems and shall be required to meet the nonstandard system requirements specified in Subsection E.
- E. Requirements. Use of a nonstandard system shall be subject to the following requirements:
 - 1. The OWTS Administrator shall record a Notice of Nonstandard System on the property deed as specified in §7.04.
 - 2. The property owner shall maintain the system, monitor system performance, utilize required water conservation measures, comply with any special requirements established as a condition for approval of the Operating Permit for the use of that specific system and/or specified in the Notice of Nonstandard System, and if necessary, take measures deemed necessary by the Health Officer to protect public health and safety and the environment.
 - 3. Nonstandard systems shall be required to have a valid maintenance contract with a qualified service provider to ensure that the above conditions are satisfied. Operating permits for nonstandard systems shall not be issued for more than two years, unless the Health Officer and / or OWTS Administrator determines that an alternative schedule is warranted.
 - 4. If an inspection or other information reveals that the system is functioning at a less than satisfactory level and/or is not in compliance with requirements specified in the Operating Permit, the property owner may be subject to a violation fee and will be required to upgrade the system and/or modify operation as necessary to ensure proper function and operation.
 - 5. Properties served by nonstandard systems may be charged higher Operating Permit fees, as established by resolution of the City Council, to offset the additional costs of reviewing Inspection Reports. The OWTS Administrator may waive the extra charge for systems which meet all standards except adequate expansion area and which continues to perform adequately.

6. The Health Officer and / or OWTS Administrator shall establish policies and procedures for use of nonstandard systems in addition to these numerated herein.
- F. Owner Acceptance of Requirements. Before the OWTS Administrator approves a permit for the use of a Nonstandard System, the owner of the property must enter into an agreement with the City of Trinidad acknowledging and accepting the requirements for use of a Nonstandard System as described above.

Section 7:04 – Notice of Nonstandard System

- A. Requirement. A Notice of Nonstandard System shall be recorded by the OWTS Administrator with the County Recorder's Office on the deed of any property served by an approved Nonstandard System as described in Section 7.03. The Notice of Nonstandard System will include all the information as specified in the Guidelines.
- B. Expungement. If the system is eventually modified under approved permit(s) to meet the requirements for a standard system, the OWTS Administrator shall, upon payment by the property owner of fees for expungement, record a Notice of Expungement for the Notice of Nonstandard System with the County Recorder.

Section 7:05 – Accessory Dwelling Units

- A. Illegal Accessory Dwelling Units: When an inspection, or other information, reveals that an OWTS has been connected to an illegal accessory dwelling unit and is accepting wastewater from that unit, the Building Official or OWTS Administrator may order the immediate discontinuance and disconnection of the illegal accessory dwelling unit and / or require the property owner to submit an application to the City for an Accessory Dwelling Unit. If such application is not submitted within 30 days of written notice, the OWTS Administrator and / or Building Official shall commence Nuisance Abatement procedures according to City ordinances.
- B. Nonconforming Accessory Dwelling Units: Nonconforming accessory dwelling units shall be assessed for their conformance with both City land use regulations as well as the requirements of this chapter. An OWTS serving nonconforming accessory dwelling units shall be considered a 'non-standard system,' subject to the requirements of 7.03. These systems shall be subject to increased monitoring and maintenance requirements according the OWTS Management Program Guidelines. In order to ensure these systems are not being overused, limitations on the amount of wastewater entering the system may be enacted; the amount of water use per month should be used to track the amount of wastewater. In addition, modifications may be required such as installation of water saving plumbing devices, removal of garbage disposals or other means to protect the integrity of the OWTS.

Section 7:06 – Modifications / Repairs Required

Modifications and repairs of nonconforming and failing systems shall be required in the following situations:

1. In the case of a failing or inadequately functioning systems, when public health and environmental safety is threatened (Guidelines §7.06 and Ordinance §8.05);
2. When property ownership or business occupation is transferred (Guidelines §7.01);
3. When building or site alterations are made under a Coastal Development or Building Permit (Guidelines §7.02);
4. Other situations where the Health Officer and / or OWTS Administrator deems it necessary to protect public health and the environment (Guidelines §7.06).

Guidelines for determination of when an OWTS needs to be repaired or modified shall be detailed in the OWTS Management Program Guidelines (Appendix B), herein incorporated by reference. Determinations shall be made by the Health Officer and / or OWTS Administrator as appropriate and are appealable according to Section 8:12.

ARTICLE 8 – ENFORCEMENT

Section 8:01 –Public Nuisance Declared

A poorly functioning or failed OWTS, as defined in Appendix A is hereby declared a public nuisance and subject to Trinidad's Nuisance Abatement Ordinance (Municipal Code Chapter 8.12). In addition, an OWTS being operated or used without the proper operating permit or in conflict with the conditions or limitations of the operating permit, or being constructed, altered or repaired without the appropriate sewage disposal permit is hereby declared a public nuisance.

Section 8:02 – Investigative Powers

In addition to the investigative powers provided in the City's Nuisance Abatement Ordinance, the following shall apply for OWTS related nuisances. The Health Officer may, upon reasonable cause to believe that a violation of any provision of this Chapter or a threat to the public health or environment may exist, investigate to determine whether such a violation or threat does in fact exist. Representatives of the City or Health Officer, after providing at least a seven day notice and upon exhibiting proper credentials and identification, shall be permitted to enter private property during normal business hours to inspect, investigate and take samples related to the performance of the OWTS as required by the provisions of this ordinance. If the inspection requires the entry into a building or an area that is designed for privacy, then prior permission shall be obtained from the owner or occupant. If necessary under the circumstances, an inspection warrant may be obtained pursuant to Title 13 of Part 3 of the Code of Civil Procedure to obtain right of entry for such purposes.

Section 8:03 – Violations

In the event of a violation of the provisions of this Chapter, the conditions of any permit issued under this Chapter, or any requirements specified in a Notice of Nonstandard System, the Health Officer, OWTS Administrator or other City Official may commence nuisance abatement proceedings according to the City's Nuisance Abatement Ordinance (Chapter 8.12 of the Municipal Code) and / or State Law in addition to remedies provided for within this Chapter. If the violation constitutes an immediate threat to human safety or environmental welfare, then Summary Abatement may be utilized.

Section 8:04 – System Failure

If an inspection and / or pumping record or other information reveals a poorly functioning or failing OWTS, the Health Officer and / or OWTS Administrator shall immediately commence nuisance abatement procedures. Failed systems constitute an immediate threat to public health and safety, and summary abatement may be appropriate. In addition to the procedures provided in the City's Nuisance Abatement Ordinance, abatement of failing systems shall include short-term mitigation and permanent corrective measures. At a minimum, short-term mitigation shall include immediate pumping as outlined in §8:07, reduction of effluent flows (§8:06) and the posting of any areas subject to the surfacing of inadequately treated sewage effluent. Permits for repairs of failing systems may be expedited by the Health Officer or OWTS Administrator by waiving some of the permit requirements or making some retroactive.

Section 8:05 – Order to Reduce or Discontinue Use

Whenever any parcel or building regulated by this code is being used contrary to the provisions of this code or discharge of waste emanates there from in violation of this code, the Health Officer and / or OWTS Administrator may order such use or discharge discontinued or reduced, and / or the parcel or building or portion thereof vacated by serving a written notice on the property or any person causing such use to be continued. The Health Officer shall notify the property owner / permittee to suspend immediately use of the sewage disposal system, and those uses of the real property which are likely to result in the generation of sewage. Such person shall discontinue the use and / or vacate the parcel or building or portion thereof within the time prescribed within the notice.

Section 8:06 – Immediate Need to Pump

If an inspection, or other information reveals that an OWTS needs immediate pumping, the Health Officer and / or OWTS Administrator attempt to notify the property owner or occupant immediately in person or by phone, and shall send the owner, or owner's agent a written notice to have the tank immediately pumped. The owner, or owner's agent, five (5) days from the date of first notification to pump the system and to present evidence of such pumping

to the Health Officer in the form of a receipt from a qualified service provider. If proof of system pumping required under this section is not received by the City within a timely manner the Health Officer or OWTS Administrator will contract with a private hauler to pump the OWTS and the owner will be billed by the City according to the Summary Abatement procedures of the City's Nuisance Abatement Ordinance (§8.12.060 of the City's Municipal Code). The bill will include the actual cost of pumping as well as associated administrative costs. The owner will be notified in writing of the intended date and time of such pumping.

Section 8:07 – Stop Work Orders

Whenever any maintenance, repair, replacement, or any construction work is being done contrary to the provisions of this code or other pertinent laws or ordinances implemented through the enforcement of this code, the Health Officer and / or OWTS Administrator may order the work stopped by notice in writing, posted on the property or served on any such person engaged in doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Health Officer and / or OWTS Administrator to proceed with the work.

Section 8:08 – Construction/ Repair Permit Revocation/Suspension

- A. Any OWTS construction/repair permit may be revoked or suspended by the Health Officer and / or OWTS Administrator if it is determined that a violation of this ordinance or the Trinidad Sewage Disposal Regulations exists or that the permit was obtained by fraud, misrepresentation or material omission. Prior to revoking or suspending the permit, the Health Officer and / or OWTS Administrator must cause written notice to be mailed to the permittee and to the occupant of the property. The notice shall specify the violation(s) and the work to be done to correct the violation(s) and shall allow thirty days to complete the work. The notice shall also inform the permittee that he/she has the right to an informal hearing before the Health Officer and / or OWTS Administrator.
- B. The notice of revocation or suspension shall inform the permittee of his right to a hearing before the City Council if the permittee files an appeal with the City Council pursuant to section 8:12.
- C. The suspension or revocation of any permit shall not be effective until ten days after notice thereof in writing is mailed to the permittee.

Section 8:09 – Operating Permit Revocation

When it has been determined that an OWTS for which an operating permit has been issued is being operated in violation of this code or conditions of the operating permit, operating in a manner not consistent with its design (such as frequently exceeding the design average or maximum daily flow rate), or is discharging wastewater in a manner which is, or may result in, the contamination of surface water, ground water, or the contiguous seashores of the City, or which contains components that do not conform to this code, or to which access for inspection has been denied, the operating permit may be revoked upon written notice to the owner. If the owner, upon receipt of said notice revoking the operating permit does not appeal as provided in Section 8:12 herein below, or upon appeal the City Council determines that the revocation shall be upheld, and enforcement actions, including nuisance abatement shall be immediately commenced.

Section 8:10 – Appeal Process

- A. Any person affected by an approval, denial, suspension, or revocation of a construction/repair or operating permit (other than a stop work or failure determination, etc. as provided in §8.05 – 8.07) by the Health Officer and / or OWTS Administrator may appeal to the City Council by filing a notice of appeal with the clerk of the City within ten working days of the action of the Health Officer and / or OWTS Administrator. The notice of appeal shall be accompanied by a filing fee set by resolution of the City Council of the City on an amount sufficient to cover costs. The appeal shall stay the effect of the action of the Health Officer and / or OWTS Administrator.
- B. The appeal shall be in writing and addressed to the City Council. The applicant shall file a copy of the appeal with the Health Officer and / or OWTS Administrator on the day of filing with the clerk of the City. In the notice of appeal the appellant shall state in full the facts and circumstances which make the action of the Health Officer and / or OWTS Administrator unreasonable. It shall also state the date of the claimed unreasonable action of the Health Officer and / or OWTS Administrator.

- C. The City Council shall cause the matter to be set for hearing not earlier than twenty days after the appeal has been filed with the clerk of the City. The Clerk of the City shall cause notice to be mailed to all affected persons (within 300 feet of the property boundaries) at least ten days prior to the hearing.
- D.
 - 1. At the time and place set for the hearing, the City Council shall proceed to hear the testimony of the Health Officer and / or OWTS Administrator, the testimony of the owner or his representatives, and the testimony of other competent persons concerning condition upon which the action of the Health Officer and / or OWTS Administrator is based and other matters which the City Council may deem pertinent. Any person affected may be present at such hearing, may be represented by council, may present testimony, and other witnesses. The hearing may be continued from time to time.
 - 2. The Health Officer and / or OWTS Administrator may be represented by counsel. At the request of the Health Officer and / or OWTS Administrator, the City Attorney shall represent the Health Officer and / or OWTS Administrator.
- E. The City Council may upon the appeal either affirm the action of the Health Officer and / or OWTS Administrator or grant an exception to the provisions of this ordinance, regulations issued by the Health Officer and / or OWTS Administrator or the Trinidad Sewage Disposal Regulations upon which the action under appeal is based. The decision of the City Council upon on appeal shall be based upon the facts presented to it.

Section 8:11 – Severability

If any provision of this ordinance or any rule or determination made hereunder, or application hereof to any person, agency or circumstances is held invalid by a court of competent jurisdiction, the remainder of this ordinance and its application to any person, agency or circumstance shall not be affected thereby. The invalidity of any section or sections of this ordinance shall not affect the validity of the remainder of this ordinance.

APPENDIX A – DEFINITIONS

Alternative system: See definition of OWTS.

Authorized Representative: A person authorized in writing by a property owner to act for him or her, in their stead.

Bedroom: Any space in the conditioned (heated) area of a dwelling unit which is 70 square feet and greater in size shall be counted as a bedroom unless it is one of the following:

- Hall
- Bathroom
- Kitchen
- Living Room (maximum of one per dwelling unit)
- Dining Room (opening off of the kitchen or living room, maximum of one per dwelling unit)
- Family Room (opening off of the kitchen or living room, maximum of one per dwelling unit)
- Breakfast Nook (opening off kitchen, maximum of one per dwelling unit)
- Pantry (maximum of one per dwelling unit)
- Laundry Room
- Closet/Dressing Room opening off of a bedroom.

Sewing rooms, dens, offices, studios, lofts, game rooms, and any other exterior room 70 square feet and greater in size shall be counted as bedrooms regardless of whether they are entered through a door, unless the room is otherwise exempted. The OWTS Administrator or Health Officer may grant exceptions if, in his/her discretion, a room cannot, by its design, function as a bedroom.

Conventional System: See definition of OWTS.

Development: The placement or erection of any solid material or structure on land, in or under water; discharge or disposal of any dredged material or of any gaseous, liquid, solid, or thermal waste; grading, removing, dredging, mining, or extraction of any materials; change in the density or intensity of use of land, including, but not limited to, subdivision pursuant to the Subdivision Map Act (commencing with Section 66410 of the Government Code), and any other division of land, including lot splits, except where the land division is brought about in connection with the purchase of such land by a public agency for public recreational use; change in the intensity of use of water, or of access thereto; construction, reconstruction, demolition, or alteration of the size of any structure, including any facility of any private, public, or municipal utility; and the removal or harvesting of major vegetation other than for agricultural purposes, kelp harvesting, and timber operations which are in accordance with a timber harvesting plan submitted pursuant to the provisions of the Z'berg-Nejedly Forest Practice Act of 1973 (commencing with Section 4511). As used in this section, "structure" includes, but is not limited to, any building, road, pipe, flume, conduit, siphon, aqueduct, telephone line, and electrical power transmission and distribution line.

Environmentally Sensitive Habitat Areas: Designated areas where only limited development is allowed for the purposes of resource protection or due to septic constraints. This includes, but is not limited to, riparian areas, steep slopes and clayey soils.

Failed System: Any sewage disposal system that does not adequately treat and dispose of sewage that consequently creates a public or private nuisance or threat to public health and/or environmental quality, as evidenced by, but not limited to, one or more of the following conditions;

(1) Failure to accept sanitary sewage into the OWTS.

- (2) Discharge from an individual OWTS of wastewater either directly or indirectly to a subsurface drain, surface drain, wetland, or surface water body.
- (3) Effluent rising to the surface of the ground over or near any part of an OWTS or seeping down-gradient from the absorption area at any change in grade, bank or road cut.
- (4) Discharge of improperly treated effluent to ground or surface waters resulting in contamination of ground and/or surface waters due to contaminants or nutrients.
- (5) Inadequate treatment and disposal of wastewater due to deterioration, damage, or improper design of any OWTS. (For example inadequate separation distance from the bottom of the leaching system to groundwater or impervious layer, damage from a vehicle driven over a leachfield, etc.)
- (6) Pumping records that indicate very frequent septic tank pumping. A system shall be considered in need of repair or alteration if the system has been pumped or in need of pumping two or more times in a calendar year and if not pumped the OWTS would result in effects described above.

Health Officer: The City's Health Officer or designated representative. This shall be defined as staff from the Humboldt County Division of Environmental Health Department unless or until such time that the City Council designates its own Health Officer. References to Health Department shall also mean Health Officer.

Initial Inspection: The initial performance inspection performed on an OWTS and site to gather baseline information. The tank is often pumped as part of this inspection to better evaluate the existing condition of the system, but does not have to be. Initial Inspections involve the location of system components and more detailed data gathering that is not usually necessary for subsequent routine performance inspections.

Inspection Report Form: A City approved form used by the Qualified Service Provider during an OWTS inspection. The report form shall include a rating as to the functionality and adequacy of the existing OWTS based on the onsite inspection.

Limited Operating Permit: An operating permit that is more restrictive than normal operating permits in terms of required maintenance or inspection schedule due to the limited functional capacity of an OWTS.

Minor Maintenance: Replacement of effluent filter, septic tank baffles, sanitary tees, ells, risers, tops, or sewer lines or other minimal repair work not requiring a construction / repair permit as determined by the Health Officer.

Modification: Partial or total replacement of, and / or changes or additions to a septic system that is functioning properly. Replacement septic tank, installation of greywater sump are examples of modifications. Modifications are usually considered upgrades to the system to improve performance.

New construction: shall mean the construction of a new building, or the construction of an addition to, the alteration of, or the remodeling of an existing building which results in an increase in habitable space or other heated or otherwise conditioned space within the building. Further, the construction of any new structure within a setback from a component of a wastewater disposal system required at the time the system was installed shall be deemed to be "new construction." "Conditioned Space" shall mean living space in a residence or detached building that is insulated and/or is provided with the ability to be heated or cooled. Unheated garages and workshops are examples of non-conditioned space.

Nonstandard system: See definition of OWTS.

Onsite Wastewater Treatment System (OWTS): means a septic tank and drainfield or other approved means of sanitary disposal of sewage other than through a sewer system. This may include any of the following types of systems:

- a. Conventional System: An individual sewage disposal system which utilizes a septic tank (with or without a lift pump) and leaching trenches or pits.
- b. Standard System: A conventional system which is constructed in accordance with the specifications for a “code system”.
- c. Nonstandard System: A system which is not in conformance with all the standards for a “code system,” as described in the Trinidad Sewage Disposal Regulations. Nonstandard systems include, non-code systems, alternative systems, nonconforming systems, and haulaway systems.
- d. Nonconforming Sewage Disposal System: A conventional sewage disposal system design that was legally established, but which does not now conform to the Trinidad Sewage Disposal Regulations specifications for a “code system”. This includes, but is not limited to, pit systems, or with the reserve area partially or fully covered with impermeable surfaces, or standard systems legally connected to multiple dwelling units or systems with single chambered tanks. Minor nonconformance means code deviations that do not affect the functioning of the system such as less than 100% reserve area, or a system that does not meet setbacks.
- e. Alternative System. An individual sewage disposal system which uses nonconventional technology for enhanced effluent treatment and/or disposal such as Wisconsin Mounds or Recirculating Sand Filters.
- f. Haulaway System. An existing individual sewage disposal system, for which the Health Officer has ordered that the outlet of the septic tank, or other sewage holding container, be permanently or seasonally sealed, and the accumulated sewage pumped out and hauled away to an approved disposal site, or a (failed) system that requires pumping two or more times per year.
- g. Failed System. See definition of failed system.

Operating Permit: A permit to operate an OWTS in accordance with all applicable regulations issued by the OWTS Administrator. Operating permits shall contain conditions and a schedule for periodic maintenance of the OWTS.

Owner: The person, firm, corporation, or partnership holding legal or equitable title or recorded contract or purchase of property, or any person authorized by written instrument to act for the owner. Homeowners associations will be considered the owner of the property for condominiums and townhouses for the purpose of enforcement of this code if the property owner is not responsible for the OWTS.

OWTS: Acronym for ‘Onsite Wastewater Treatment System.’

OWTS Administrator shall be responsible for coordinating activities between the City, the Health Officer, the Qualified Service Provider, and the homeowner, for keeping a list of Qualified Service Providers, for receiving homeowner’s surveys and inspection reports, for upkeep of the database, for issuing operating permits and for assuring provisions of this ordinance are being met or taking the necessary steps to assure the purposes of this ordinance are being met. Initially this will be the City Planner until such time the City Council designates an alternative to fulfill this role.

OWTS Owner/User Questionnaire: A questionnaire in a form approved by the City designed to assess the level and type of use of an OWTS in order to assign a reasonable maintenance schedule.

Performance Inspection: An inspection of an OWTS and system site to determine conformance with applicable laws and regulations, how the system is functioning, the need for pumping, to establish future inspection schedules and to assess whether any repairs are necessary.

Performance Rating: The performance based rating given to each system after a performance inspection by a qualified service provider rating its functionality based on their professional opinion. The ratings are: EXCELLENT, GOOD, SATISFACTORY, MARGINAL, POOR, and FAIL.

Person: Any individual, public or private corporation, political subdivision, partnership, firm, trust or estate or any other legal entity whatsoever which is recognized in law as the subject of rights or duties.

Qualified Service Provider: is a qualified professional or an individual with knowledge and competency in OWTS operation, maintenance, and monitoring, determined by the City to be qualified to perform septic inspections in the City, and has been included on a list maintained by the OWTS Administrator.

Repair: Any kind of alteration or replacement of a poorly functioning or failing OWTS.

Reserve Area: An area of land approved for the installation of a conforming leachfield and dedicated for future replacement of the onsite sewage system if it should fail.

Septic Constraint Area: Those existing lots of record in areas designated as having constraints for OWTS, and as shown on maps of septic constraint areas on file with the Health Officer or OWTS Administrator. Constraints include areas with noted high groundwater conditions, areas with poor soil conditions or noted OWTS problems, and lands identified as environmentally sensitive habitat areas.

Septic system: A type of OWTS.

Sewage: Waste substance, liquid or solid, which is associated with human habitation or which contains, or may be contaminated with human or animal excretion or excrement, offal or feculent matter, or matters or substances that may be injurious or dangerous to health.

Sewage Disposal Permit: A permit from the Health Office for the repair or modification of an OWTS.

Standard System: See definition of OWTS.

Qualified professional: An individual who possesses a registered environmental health specialist certificate or is licensed as a professional engineer or professional geologist. A qualified professional must be qualified to perform soil and / or site evaluations and / or be capable of designing an appropriate OWTS for the site conditions.

Qualified service provider: is a qualified professional or an individual with knowledge and competency in OWTS operation, maintenance, and monitoring through experience and / or education. This includes a third party inspection and maintenance certification from a recognized institution (e.g. NSF, COWA, NAWT, CEHA, CWEA, NOWRA or approved equivalent).

Trinidad OWTS Program: The entire Program includes the Trinidad OWTS Ordinance, Appendices (including the Guidelines), the Trinidad Sewage Disposal Regulations and the Trinidad OWTS Water Quality Monitoring Program.

Trinidad Sewage Disposal Regulations consists of the Humboldt County Division of Environmental Health Departments "Sewage Disposal Regulations", as updated from time to time, unless or until such time that the City Council adopts their own Sewage Disposal Regulations.

Appendix B

TRINIDAD OWTS ORDINANCE GUIDELINES

ARTICLE 1 – GENERAL PROVISIONS

Section 1:01 – Purpose

Trinidad is a unique town, surrounded by significant coastal resources important to the town, the surrounding community and the State. Trinidad Bay is a State designated Area of Special Biological Significance and a CA Critical Coastal Area. Trinidad is blessed with a healthy sport and commercial fishing fleet and is surrounded by State Parks, public beaches, Tribal lands and working forest lands. Trinidad has a rich and diverse historic fabric, with the Tsurai Village site as one of the most well documented, culturally significant areas in the State. Although small, the City has very dense development and small lots for a rural community on septic systems, and a large influx of visitors throughout the year. This is compounded by the fact that more than half the Onsite Wastewater Treatment Systems (OWTS) in town are old or of unknown status. This puts the environment in and around Trinidad at substantial risk of pollution from failed and inadequate OWTS. The City has an obligation to protect its citizens and the environment, now and in the future, to the maximum extent practicable and set a higher standard for OWTS than may be necessary in other places. Therefore, this program was developed to meet that goal. The specific objectives of this program are to ensure the proper maintenance and operation of OWTS within the City, as well as to require appropriate upgrades of substandard systems.

The purpose of these Guidelines is to supplement the OWTS Ordinance to aid in the interpretation and implementation of the Trinidad OWTS Program. The following sections numbers refer to those in the OWTS Ordinance.

Section 1:02 – Jurisdiction

These Guidelines shall apply to all territory subject to the Trinidad OWTS Ordinance.

Section 1:03 – Authority

These Guidelines are authorized by the Trinidad OWTS Ordinance and adopted by Resolution of the City Council. These Guidelines (per §1:12 of the OWTS Ordinance) may be amended by staff after Planning Commission approval.

Section 1:04 – Liability

It is up to each property owner to maintain, operate, manage, repair or modify their OWTS to keep it in good working order and comply with applicable laws and regulations. The City's OWTS Management Program is intended to assist, but not replace a property owner's responsibility to their OWTS.

Section 1:05 – Construction / Interpretation

These Guidelines are intended to supplement the Trinidad OWTS Ordinance and provide more detail for specific policies and procedures. If a conflict arises between these Guidelines and the OTWS Ordinance, then the Ordinance shall take precedence.

Section 1:06 – Adequate Sewage Disposal Required

No additional guidance at this time

Section 1:07 – Permits Required

No additional guidance at this time

Section 1:08 – Permit Fees / Program Financing

The City Council shall establish a fee schedule to be assessed each owner of an OWTS / holder of an operating permit. Said fee shall be based on the total number of OWTS in the OWTS Management Program and the administrative and technical costs associated with providing the services described in the OWTS Ordinance. Fees will be paid when permit applications are received for issuance, transfer or renewal. Any funds collected or raised for purposes of implementing the OWTS Management Program shall be for the exclusive use of said program implementation and operation and shall be maintained in an account separate from the City's general fund. Fees may be updated by the City Council from time to time

Fee / Deposit Schedule:

- Project referral to Health Officer
- Construction / Repair Permits:
- Standard Operating Permit:
- Nonstandard Operating Permit:
- Renewal of Operating Permit
- Administrative fees:
 - Permit Transfer:

Section 1:09 – Health Officer

Initially the Health Officer will be [____] within the Humboldt County Division of Environmental Health until such time as the City Council designates an alternative to fill this role. (see Mun. Code §8.04.010, p. 90) The duties of the Health Officer are to implement the Trinidad OWTS Ordinance and these Guidelines. When there is a conflict between the Health Officer and the OWTS Administrator, the determination of the Health Officer shall take precedence. Specific duties shall include, but not necessarily be limited to:

1. Receiving applications for and issuing repair and construction permits;
2. Conducting conformance / final inspections in conjunction with a construction / repair permit;
3. Developing / updating the Trinidad Sewage Disposal Regulation in conformance with State Law and the North Coast Basin Plan;

4. Allowing for exceptions to specific provision where allowed in the OWTS Ordinance and where appropriate to ensure that public and environmental health and safety are fully protected;
5. Reviewing referrals for development projects to ensure the OWTS in in conformance with City regulations;
6. Determining when upgrades, repairs or replacements are required;
7. Allowing the use of, and determining criteria for the use of Nonstandard systems;
8. Providing advice and guidance to the OWTS Administrator in the implementation of the Trinidad OWTS Program; and
9. Taking enforcement actions necessary to protect public health and safety and the environment.

Section 1:10 – Program Administration / OWTS Administrator

Initially the OWTS Administrator will be the City Planner until such time the City Council designates an alternative to fulfill this role. The duties of the OWTS Administrator are to administer, implement and enforce the Trinidad OWTS Ordinance and these Guidelines. Specific duties shall include, but not necessarily be limited to:

1. Receiving applications for and issuing operating permits and transfers;
2. Keeping the Trinidad OWTS Program up-to-date by amending and revising the OWTS Ordinance and these Guidelines as necessary in conjunction with the Planning Commission;
3. Reviewing inspection forms and schedules for compliance with the Trinidad OWTS Program;
4. In conjunction with the Qualified Service Provider and Health Officer, determine when actions, such as pumping, repair or upgrades, are required to protect human health and the environment, consistent with the OWTS Ordinance;
5. Oversee the water quality monitoring program according to the OWTS Ordinance;
6. Educating the community about the importance of OWTS maintenance and the requirements of the Trinidad OWTS Program; and
7. Enforcing the provisions of the Trinidad OWTS Ordinance and these Guidelines.

Section 1:11 – Sewage Disposal Regulations

Any regulations issued by the Health Officer shall:

1. Be consistent with the intent and purpose of this ordinance;
2. Be consistent with the North Coast Basin Plan, or otherwise approved by the North Coast Regional Water Quality Control Board.
3. Recognize the most current technical information relevant to the provisions of this Chapter;
4. Provide for exceptions where a strict application of this chapter or regulations issued by the Health Officer would inflict a substantial personal hardship upon the occupants of the building or place in question and where appropriate to preserve public safety and water quality;
5. Be designed to minimize or eliminate public nuisances or the potential thereof;

6. Recognize that any single sewage disposal system is in reality a subunit of a larger disposal system comprised of numerous subunits.

Regulations issued under this section shall be available to the public for viewing or download on the City's website and / or will also be available for viewing in City Hall; copies will be provided for a per-page copy charge.

Section 1:12 – OWTS Guidelines

No further guidance.

ARTICLE 2 – SPECIFIC PROVISIONS

Section 2:01 – Leachfield Protection During Construction

The leachfield area shall be staked and flagged to keep equipment off the area. Alternatively, a written description of techniques/timing to be utilized to protect the system will be required from the builder. If the existing system area is impacted by construction activities, an immediate Stop-Work Order will be placed on the project. The owner or builder will be required to file a mitigation report for approval by the OWTS Administrator and Health Officer prior to permitting additional work to occur. A Copy of the report is to go to the building official and into the project file.

This provision shall be made a condition of approval for all relevant construction projects.

Section 2:02 – Reserve Area Required

For an application for a discretionary permit in which the footprint or intensity of use of any building is proposed to be expanded (e.g. adding a bedroom), the Health Officer shall evaluate the expansion for impacts on the existing septic system. If a portion of the potential reserve area will be covered by the building expansion, a permit for a reserve area shall be required to ensure that there is still enough room remaining on the lot to accommodate one.

Exceptions in extreme circumstances where a reserve area can not be located may be granted by the Health Officer at his or her discretion. For example, exceptions to percentage and setbacks may be granted in such cases as if the lot is too small to accommodate a 100% reserve area. The City may alter the terms of, or deny, a discretionary permit based on limitations in locating a reserve area.

Section 2:03 – Effluent Filters/Risers

No additional guidance.

Section 2:04 – Roof Drainage away from OWTS

Roof drainage should be directed away from OWTS components, particularly the leachfield area. Downspouts should be directed to paved driveways or infiltration areas away from leachfields on or adjacent to the property.

Section 2:05 – Landscaping

No trees that can grow over six feet tall shall be planted within 10 feet of any system component. The City may maintain a list of inappropriate plantings for landscaping around OWTS.

Section 2:06 – Deed Restrictions

The City has a pre-approved form that should be used.

Section 2:07 – Subdivisions

OWTS design approval (e.g. Sewage Disposal Permit) from the Health Officer is required before perfecting any subdivision or lot line adjustment that creates a new building site and for any existing development on an existing or remainder parcel.

ARTICLE 3 – CONSTRUCTION/REPAIR PERMITS

Section 3:01 – General

No additional guidance at this time.

Section 3:02 – Application Process

- A. Application for construction / repair permits shall be through City Hall. The City Clerk shall forward the application materials to the OWTS Administrator who shall review it for compliance with the City's OWTS Program. The OWTS Administrator shall forward the application materials to the Health Officer.
- B. The following information shall be provided to the City as part of an application to construct, repair or upgrade any OWTS. The Health Officer may waive any of these requirements or ask for additional information as he / she deems appropriate.
 - 1. Name, address and contact information of the applicant and the owner of the property on which the building or place to be served by the OWTS is located and their agents, if any;
 - 2. Location of the property and the assessor's parcel number
 - 3. A scale map of the lot showing appropriate landmarks such as large trees, creeks or shorelines, existing and proposed structures, steep / unstable slopes, roads, surveyor's land marks, lot dimensions, drainage direction, existing and proposed easements or road or utility purposes, existing, proposed and abandoned OWTS;
 - 4. Gross lot area, net lot area and average cross slope of the lot
 - 5. All intended uses of the property
 - 6. The number of dwelling units and rooms usable as sleeping quarters. If a nonresidential use is proposed, an estimate of the quantity of sewage flow and the method of estimating the flow shall be provided;

7. The level of the groundwater table during and at the end of the rainy season;
 8. Plans and specifications for the proposed OWTS, showing to scale, the location of the proposed system to all structures, wells and water courses, property lines, reserve areas and other information the Health Officer deems necessary;
 9. Soil characteristics
 10. Other information which the Health Officer may deem to be necessary to the making of an informed decision and professional decision on the application.
 11. Either Planning Commission approval of the proposed development, or a statement from the City Planner that the proposed development is consistent with, and approvable under, the City's Local Coastal Program.
- C. Planning Commission or Building Inspector approval of the proposed development, as required, shall be received prior to construction of any portion of the OWTS.
- D. The Health Officer may require that analysis of the soil characteristics or of the percolative capacity of the soil be performed or that additional relevant data be gathered and analyzed.
- E. The Health Officer may specify the time of year during which water table determinations are to be made.
- F. Any tests, data gathering or analysis which the Health Officer may require as part of the application process shall be performed at the expense of the applicant.
- G. Any tests, data gathering or analysis which the Health Officer may require as part of the application process may be required to be performed under the supervision of the Health Officer or be performed by individuals certified by the Health Officer or the City of Trinidad to carry out such testing, data gathering or analysis.
- H. Any tests, data gathering or analysis which the Health Officer may require as part of the application process shall be performed in accordance with the Trinidad Sewage Disposal Regulations.

Section 3:03 – Licensing Requirements

See the definition of qualified professional for the detailed licensing requirements. The City should establish and maintain a current list of known qualified professionals requesting to be on the list and meeting the minimum qualifications. This list shall be made available at City Hall.

Section 3:04 – Design and Construction Standards

No additional guidance at this time.

Section 3:05 – Conformance and Final Inspections

The number of inspections required shall be determined by the Health Officer and shall be based on the complexity of the design and site conditions. A survey of the parcel may be required to verify that the construction work is located in accordance with approved plans.

ARTICLE 4 – PERFORMANCE INSPECTIONS

Section 4:01 – Initial Inspections for Existing Systems

The purpose of this inspection is to assess the condition of the OWTS and provide the City with the technical and background information needed to determine the maintenance and renewal requirements for each system within the City limits, and/or the need for system upgrade or replacement. Maintenance requirements shall be set forth by the OWTS Administrator and will be based upon the inspection results according to the Guidelines and / or upon the recommendation of the Qualified Service Provider.

Section 4:02 - Initial Inspection Schedule

The OWTS Administrator may specifically notify property owners of the requirements of this ordinance to encourage early inspections in areas such as environmentally sensitive habitat areas, areas with old and/or unpermitted OWTS, areas with a history of failure, high seasonal use or frequent pumping. Voluntary inspections completed, using City approved forms, between July 2005 and the time this ordinance is adopted shall count towards meeting the initial inspection requirement once the inspection form and household survey have been submitted to the City.

Section 4:03 – Initial Inspection Forms and Database Development

The completed forms shall contain sufficient information upon which to base the maintenance schedule and any upgrade requirements for the OWTS. They shall also include information as to when each OWTS has been inspected and pumped and indicate when it should be inspected or pumped again.

Section 4:04 – Performance Inspections

The purpose of a periodic performance inspection as provided herein shall be to determine how well the OWTS is functioning in terms of treating effluent and protecting public health and the environment. Factors that may be evaluated include, but are not limited to, the design capacity of the system, the nature and quantity of flow of wastewater entering the system, the amount of actual water use for the property, the condition and effectiveness of the system components, the quality and condition of the soils into which wastewater is discharged, the quality and nature of the groundwater receiving the discharge as well as the quality and quantity of the wastewater discharge. Written results of performance inspections shall be provided to the property owner and shall be kept on file with the City.

Section 4:05 – OWTS & Water Quality Monitoring Program

The monitoring program shall include sampling of ocean, surface water, groundwater and coastal seeps around town and shall be funded, at least in part, by the operating permit fees.

Section 4:06 – Performance Standards

Performance inspections shall categorically rate each OWTS according to its performance based on the OWTS Inspection Report and the Qualified Inspector's professional experience. Performance indicators shall be as follows: EXCELLENT; GOOD; SATISFACTORY; MARGINAL; POOR; and FAIL. In general, Excellent, Good and Satisfactory mean the system is functioning as designed or better. Marginal and Poor mean that the system is functioning

below it's design and generally requires additional actions to ensure that the system continues to adequately treat wastewater to protect human health and the environment. Failed systems are not functioning and require immediate actions to alleviate the problems cause the failure. Guidelines as to what these terms mean for inspection schedules and required modifications are provided below. Also see further guidance in Articles 6 and 7.

- For systems operating at a level of EXCELLENT or GOOD, the standard calculation (§6.02) for the inspection schedule shall be used. Generally modifications are not required except for certain nonconforming systems at the time of development or property transfer.
- For systems functioning at a level of SATISFACTORY, the standard calculation for the inspection schedule shall be used, but in addition, OWTS use and water use shall be periodically monitoring to ensure that the use is not exceeding the design capacity of the system.
- For systems functioning at a MARGINAL level, an abbreviated inspection schedule shall be required, and OWTS use and water use shall also be monitored as with a Satisfactory system. Upgrades and / or repairs shall be required at the time of property transfer or building alteration to bring it to a minimum of Satisfactory functionality.
- A POORly functioning system shall be inspected and pumped on a more frequent basis than would normally be required, along with monitoring OWTS use and water use. Poorly functioning systems may be required to implement immediate repairs or upgrades in order to prevent failure. Repairs and / or upgrades to bring the system to a minimum of satisfactory functioning shall be required at the time of property transfer or building alteration.
- FAILing systems shall require immediate action or abatement in accordance with Article 8 of the Trinidad OWTS Ordinance.

Section 4:07 – Accessibility for Inspections

Existing septic tanks that are located under structures, including decks, parking areas and driveways, shall be allowed to remain as long as they are reasonably accessible. Leachfields are not allowed under impervious surfaces, and existing fields that are situated as such must show that both the field and structure were legally established and that such situation does not interfere with the functional capacity of the system.

ARTICLE 5 – OPERATING PERMITS

Section 5:01 – General

No additional guidance at this time.

Section 5:02 – Application Process

The Homeowner Questionnaire / Inspection Report Form completed as part of the initial and / or performance inspections for existing systems shall constitute an application for an OWTS Operating Permit. For new systems, the Homeowner Questionnaire, along with the final construction inspection shall constitute an application for an Operating Permit, which shall be issued prior to the use and operation of the system.

Section 5:03 – Permit Transfer

As part of the application, the new owner will be required to fill out a Homeowner Questionnaire. The OWTS Administrator and / or Health Officer shall review the Questionnaire for any differences from the previous owner, and may alter the maintenance schedule / requirements based on these differences. The new operating permit, along with information about caring for and maintaining an OWTS and Trinidad's OWTS Program shall be sent to the new owner.

Unless otherwise required by the OWTS Administrator or Health Officer, a performance inspection is not required in order to transfer an operating permit. The transferred operating permit shall have the same expiration date as the original, but the maintenance requirements may be changed based on the stated planned use of the property. The new property owner or commercial occupant may choose to apply for a new operating permit with a new performance inspection at their discretion.

A temporary operating permit, with special conditions or limitations on use, for a specified, limited amount of time, shall be issued in cases where upgrades or repairs are required at the time of property transfer according to the OWTS Ordinance (§7:06) until such time as any required work is completed.

Section 5:04 – Permit Conditions

The level of management / maintenance required by conditions of the Operating Permit will be established by the OWTS Administrator in conjunction with the Qualified Service Provider and Health Officer based on the type of system and the level of risk to the public health and safety and the environment by the system. Such risks shall be evaluated based on the performance inspection report and property owner questionnaire / application consistent with these Guidelines. Owners of higher risk (lower performing) may be required to enter into an agreement with the City regulating the use of the OWTS, such as restricting water use, laundry patterns or the use of a garbage disposal. As an alternative, an owner may elect to modify their system so that it performs better, thereby eliminating the need for extra conditions.

Section 5:05 – Permit Renewal

No additional guidance at this time.

ARTICLE 6 – MAINTENANCE

Section 6:01 – Maintenance Requirements

No additional guidance at this time.

Section 6:02 – Maintenance Schedule

Although every system is individual, and will be assessed as such for maintenance requirements, the following general guidance for maintenance schedules is provided:

Three years should be the average schedule for most standard systems with the following credits and debits (in months)

Item	Credit	Item	Debit
Front loading washer	10	Water Conditioner	10
4 of fewer loads per week	10	Garbage Disposal	10

Conservative water use	10	Washing Machine	10
No one home for 10+ hours per day	5	Home Occupation	10
Low flow toilets	5	4+ overnight guests several times / year	10
Low-flow shower heads	5	Regularly 3+ loads of laundry in a day	10
Oversized tank or Leachfield	5	Undersized Tank / Leachfield	5-10
One person or less per bedroom	5	More than 2 people per bedroom	
Use less then 50 gpd per bedroom	5	Water use in excess of 75 gpd per bedroom	
Performance Rating of Excellent or Good		Performance Rating of Marginal or Poor	
Pretreatment System		Nonstandard System	
		Nonconforming System	
		Alternative System	

Section 6:03 – Changes in Inspection or Maintenance Schedule

No additional guidance at this time.

ARTICLE 7 – NONSTANDARD SYSTEMS / SPECIAL CIRCUMSTANCES / UPGRADES REPAIRS REQUIRED

Section 7:01 – Transfer of Property

Upgrades shall be required at the discretion of the Health Officer in accordance with the following guidance. Generally, nonconforming systems shall be upgraded to meet current criteria at the time of property transfer. Systems operating at a less than SATISFACTORY Performance Rating will have to be repaired / upgraded to bring it up to a minimum of a GOOD Performance Rating. Systems functioning at a SATISFACTORY rating will be individually assessed.

Section 7:02 – Building Alterations

Upgrades shall be required at the discretion of the Health Officer in accordance with the following guidance. The Health Officer may grant exception or require stricter standards in order to protect public health and safety.

1. Nonconforming systems and any system with a Performance Rating of POOR
 - a. No building permits shall be issued for properties utilizing the listed systems except for maintenance and repair of existing structures unless the nonconformance is minor as defined in §7.03. In addition, the system shall be inspected to ensure that it is not failing. If it is, then corrective measures shall be required.

- b. If such maintenance or repairs total a value of more than 10% of the assessed property value then modifications should be required to improve system capacity and function.
 - c. If maintenance and repairs total 25% or more of the total value of the property, then an upgrade to current standards should be required.
- 2. Alternative and Standard Systems with a Performance Rating of MARGINAL
 - a. For additions / alterations that will increase the building footprint, but will not increase the flow, there should be a 100% Reserve Area already in existence, or one should be required in accordance with current standards. Systems with a performance rating of MARGINAL shall be inspected to ensure that they are still functioning at that level or better.
 - b. For additions / alterations that add another bedroom, increase the intensity of the use, or otherwise increase the flows to the existing system, or which total 25% or more of the total property value, then upgrades to meet current standards and / or to accommodate the increased flows should be required.
- 3. Alternative and Standard Systems with a Performance Rating better than MARGINAL
 - a. For upgrades that do not increase the footprint of the building, add a bedroom, increase flows or increase the intensity of the use, no upgrades should be required.
 - b. For additions / alterations that will increase the building footprint, but will not increase the flow, there should be a 100% Reserve Area already in existence, or one should be required in accordance with current standards.
 - c. For additions / alterations that add another bedroom, increase the intensity of the use, or otherwise increase the flows to the existing system, then upgrades to accommodate the increased flows should be required according to current standards.

Section 7:03 – Nonstandard OWTS

Nonstandard systems are those that require additional attention compared to a standard, gravity-fed OWTS. Advanced treatment units / systems are not meant to be discouraged, but do require notice of special maintenance requirements. Certain nonstandard systems require more attention than others, particularly certain nonconforming systems such as pit systems. Such system will require more inspections and maintenance, and modifications upgrades should be more easily triggered. Systems with only minor nonconformance that does not affect the functionality of the system, such as lack of 100% reserve area, or not meeting setbacks should generally be regulated as standard systems.

Section 7:04 – Notice of Nonstandard System

Required information to be included on the Notice of Nonstandard System

- 1. Description of the system characteristics such as size and location and limitations which cause the system to be a nonstandard system, such as: inadequate disposal area, inadequate separation to seasonal groundwater, lack of expansion area, use of an alternative technology (operating manual), special maintenance requirements, requirement of sewage haulaway, or other condition not in compliance with requirements for a standard system as specified in the Trinidad OWTS Program.

2. Statement of the operating requirements to ensure proper performance of the Nonstandard System, such as: use of water conservation measures, monitoring of effluent levels, pumping of a grease trap, shutting off of the disposal device when groundwater rises to a specified level, pump and alarm maintenance, maintenance of a contract for tank pumping, etc.
3. Specification of any restriction on system use or property use, such as limitations on amount of wastewater generated or water consumed, restrictions on building additions, etc.
4. Notification that a maintenance contract with a qualified service provider for the system inspections and maintenance shall be required, as necessitated by the increased likelihood that a Nonstandard System might fail.
5. Statement that the Notice of Nonstandard System may be modified or expunged if the system is upgraded.

Section 7:05 – Accessory Dwelling Units

In tracking water use to monitor systems connected to nonconforming accessory dwelling units, OWTS size and design is based on several assumptions. These include that households average two persons per bedroom and each person uses an average of 75 gallons of water per day. Therefore, water use will be limited based on these assumptions for which the system was designed. Water use will not be allowed to exceed an average of 150 gallons per day per bedroom over a month long period. In addition, water usage is restricted to a maximum of 150% of the design capacity in any one day (210 gallons per bedroom in a 24 hour period). Allowances for seasonal landscaping irrigation will be included in the calculation.

Section 7:06 – Upgrades / Repairs Required

1. Inadequate system components:
 - a. Tank: Undersized tanks and tanks with single compartments will require shorter maintenance / inspection schedules as outlined in §6.02. Undersized tanks may be required to be replaced if the system is functioning at a less than SATISFACTORY performance rating, and / or if the property is being transferred (§7.01) or if building alterations are proposed (§7.02)
 - b. Leachfield:
 - i. Size: Systems with undersized leachfields will require shorter maintenance / inspection schedules as outlined in §6.02. Undersized leachfields may be required to be replaced if the system is functioning at a less than SATISFACTORY performance rating, and / or if the property is being transferred (§7.01) or if building alterations are proposed (§7.02)
 - ii. Placement / setbacks: Generally, alterations to leachfields that do not conform to current location requirements will not require alteration unless a building alteration (§7.02) is proposed that would affect the existing leachfield or reserve area.
 - c. Other components: Based on individual site assessment and may include access (risers), effluent filters and / or tank baffles.
2. Different land use from which the system was designed:

- a. Illegal Land Use: If the land use was converted illegally, then Nuisance Abatement proceedings should commence. As part of any application to permit the existing illegal land use, a septic system upgrade to current standards for that use should be required.
 - b. Nonconforming Land Use: Systems serving nonconforming land uses for which they were not designed shall be regulated as nonconforming systems.
3. Less than Satisfactory rating after an inspection:
 - a. MARGINAL: No immediate upgrades should be required, but a shortened maintenance / inspection schedule should be instituted. Upgrades should be required in the case of property transfer or building alterations according to §7.01 and §7.02.
 - b. POOR: A shortened maintenance / inspection schedule should be instituted and any upgrades deemed necessary by the Health Officer and / or OWTS Administrator to sure that the system does not fail shall be required.
 - c. FAIL: Immediate action shall be take according to §8.05 to reduce flows to the system. In addition, a repair permit shall be submitted to the Health Officer within 5 days.
4. Property Transfer – see §7:01:
5. Building Alterations – see §7:02:
6. Multiple violations of Operating Permit Conditions
 - a. Standard Systems: No additional guidance at this time at this time.
 - b. Nonstandard Systems: No additional guidance at this time at this time.

ARTICLE 8 – ENFORCEMENT

Section 8:01 –Public Nuisance Declared

No additional guidance at this time at this time

Section 8:02 – Investigative Powers

No additional guidance at this time at this time

Section 8:03 – Violations

No additional guidance at this time at this time

Section 8:04 – Notice of Violation

No additional guidance at this time at this time

Section 8:05 – System Failure

No additional guidance at this time

Section 8:06 – Order to Reduce or Discontinue Use

No additional guidance at this time

Section 8:07 – Immediate Need to Pump

No additional guidance at this time

Section 8:08 – Failure to Pump

No additional guidance at this time

Section 8:09 – Stop Work Orders

No additional guidance at this time

Section 8:10 – Construction/ Repair Permit Revocation/Suspension

No additional guidance at this time

Section 8:11 – Operating Permit Revocation

No additional guidance at this time

Section 8:12 – Appeal Process

No additional guidance at this time

Section 8:13 – Severability

No additional guidance at this time